

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DEVENDRA SHUKLA,

Plaintiff,

- *against* -

SAT PRAKASH SHARMA, individually
and as Director of VISHVA SEVA
ASHRAM OF NEW YORK, GEETA
SHARMA, individually and as Director of
VISHVA SEVA ASHRAM OF NEW
YORK, VISHVA SEVA ASHRAM OF
NEW YORK D/B/A SARVA DEV
MANDIR,

Defendants.

07-CV-2972 (CBA) (CLP)

**AMENDED DECLARATION
OF DAN BRECHER
IN SUPPORT OF
DEFENDANT'S MOTIONS
FOR SPOILIATION, ADVERSE
INFERENCES AND TO DISMISS
THE COMPLAINT**

I, DAN BRECHER, hereby declare as follows:

1. I am the attorney for Defendants, Sat Prakash Sharma, Geeta Sharma, and Vishva Seva Ashram of New York d/b/a Sarva Dev Mandir (the "Defendants"). I respectfully submit this Declaration in support of Defendants' Motions for spoliation, adverse inferences and to dismiss the Complaint.
2. Attached as Exhibit A is a copy of the Order of the Court entered herein, dated February 28, 2008.
3. Attached as Exhibit B is a copy of the Order of the Court entered herein, dated July 29, 2008.

4. Attached as Exhibit C is a copy of the Order of the Court entered herein, dated November 7, 2008.

5. Attached as Exhibit D is a copy of a letter from Sanjay Chaubey, Plaintiff's attorney, dated December 17, 2008, addressed to Dan Brecher, Esq., attorney for the Defendants.

6. Attached as Exhibit E is a copy of the Affidavit of Plaintiff, Devendra Shukla, dated December 15, 2008.

7. Attached as Exhibit F is a copy of a letter from Dan Brecher to Sanjay Chaubey, Esq., dated November 21, 2008.

8. Attached as Exhibit G is a copy of a letter from Sanjay Chaubey to Dan Brecher, dated January 3, 2008.

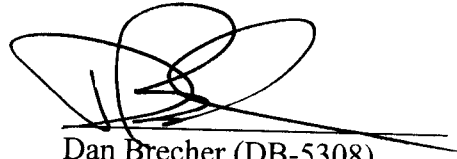
9. Attached as Exhibit H is a copy of Defendants' Request for Production, Set One, dated November 26, 2007.

10. Attached as Exhibit I are copies of computer printouts of newspaper articles and of newspaper articles dated on and about July 29, 2007 and August 9, 2007.

11. Attached as Exhibit J are copies of cover pages, notarized signature pages and signed and notarized Errata sheets of Plaintiff's depositions taken on January 15, 2008, January 16, 2008, March 17, April 1, 2008, April 14, 2008, May 6, 2008, and June 16, 2008. The March 17, April 1, May 6 and June 16, 2008 transcripts had signed Errata sheets; the others did not. All signature sheets were signed and were notarized on September 30, 2008, except that the May 6, 2008 deposition transcript was signed on November 6, 2008.

12. Exhibit K hereto are electronic copies of the January 15 and 16, March 17, April 1 and 14, May 16, 2008 and June 16, 2007 transcripts.

13. Attached as Exhibit L is a copy of the Complaint dated July 20, 2007.
14. Attached as Exhibit M is a copy of the Answer to Complaint with Counterclaims dated September 17, 2007.
15. Attached as Exhibit N is a copy of the Answer to Counterclaims dated October 8, 2007.
16. I declare under penalty of perjury that the foregoing is true and correct.



Dan Brecher (DB-5308)